

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

VERIFY SMART CORP.,	:	Civil Action No. 17-cv-04248-JMV-JBC
	:	
Plaintiff,	:	
	:	
	:	
v.	:	
	:	
BANK OF AMERICA, N.A., BANK OF	:	
AMERICA CORP., WELLS FARGO,	:	
BANK N.A., AND WELLS FARGO	:	
& CO.,	:	
	:	
Defendants.	:	
	:	

DECLARATION OF LOU PINGITORE

Lou Pingitore hereby declares:

1. I am the Chief Executive Officer of Verify Smart Corp. ("Verify"). I am familiar with the facts set forth in this declaration and submit the same in opposition to Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint.

2. Verify would not have settled the BofA District Court Litigation filed in this forum if BofA had not released all of its rights arising from and relating to Verify's '648 Patent, including the right to subsequently challenge the validity of the '648 Patent post settlement.

4. Verify would not have settled the Wells Fargo District Court Litigation filed in this forum if Wells Fargo had not released all of its rights arising from and relating to Verify's '648 Patent, including the right to subsequently challenge the validity of the '648 Patent post settlement.

5. Verify lost significant business opportunities poised to generate hundreds of millions of dollars in expected revenues because of the *Verify IPR* filed by Askeladden.

6. More specifically, lucrative licensing deals that I had negotiated and were close to execution with UBS Group AG, Southern California Edison (an Edison International company), Mercari, Inc., and Equitable Bank (wholly-owned by Equitable Group Inc.) fell through because of the *Verify IPR*.

7. The UBS deal would have paid Verify 5% of the dollar value of every UBS transaction that used the MFA technology covered by Verify's 648 Patent, and the Southern California Edison, Mercari and Equitable Bank deals would have paid Verify \$2 on every transaction that used the MFA technology covered by Verify's 648 Patent.

I declare under the laws of the United States that the foregoing is true and correct.

By: 
Lou Pingitore

Dated: December 7, 2020